

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BUCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
12929.1072USC1	431	013000	Alfred Basichas	3743

**CERTIFICATE UNDER 37 CFR 1.10:**

"Express Mail" mailing label number: EV 321725913 US  
 Date of Deposit: October 15, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Teresa Anderson  
 Name: Teresa Anderson

**CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)**

Mail Stop Patent Application  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 10/120,890, filed on April 10, 2002, entitled Proximity Warning System for a Fireplace, by the following inventors:

<b>Full Name Of Inventor</b>	<b>Family Name</b>	<b>First Given Name</b>	<b>Second Given Name</b>
	Bachinski	Thomas	J.
<b>Residence &amp; Citizenship</b>	<b>City</b>	<b>State or Foreign Country</b>	<b>Country of Citizenship</b>
	Lakeville	Minnesota	USA
<b>Post Office Address</b>	<b>Post Office Address</b>	<b>City</b>	<b>State &amp; Zip Code/Country</b>
	19059 Orchard Trail	Lakeville	Minnesota 55044/USA
<b>Full Name Of Inventor</b>	<b>Family Name</b>	<b>First Given Name</b>	<b>Second Given Name</b>
	Oja	David	J.
<b>Residence &amp; Citizenship</b>	<b>City</b>	<b>State or Foreign Country</b>	<b>Country of Citizenship</b>
	Burnsville	Minnesota	USA
<b>Post Office Address</b>	<b>Post Office Address</b>	<b>City</b>	<b>State &amp; Zip Code/Country</b>
	12508 Skyline Drive	Burnsville	Minnesota 55337/USA

- ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 11 pages of specification, 4 pages totaling 23 claims, 1 page of abstract, 7 sheets of drawings, and 4 pages of oath or declaration.
   
☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☒ Cancel original claims 2 through 23 of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

3. ☒ The filing fee is calculated below:

**CLAIMS AS FILED**

NUMBER FILED	NUMBER EXTRA		RATE	FEE
<b>TOTAL CLAIMS:</b>				
1 -20	0	x	\$18.00	\$0.00
<b>INDEPENDENT CLAIMS</b>				
1 -3	0	x	\$84.00	\$0.00
			<b>BASIC FILING FEE:</b>	<b>\$770.00</b>
			<b>TOTAL FILING FEE:</b>	<b>\$770.00</b>

- ☐ Small entity status is claimed pursuant to 37 CFR 1.27.

4. ☒ Payment of fees:  
☒ Attached is a check in the amount of \$770.00.  
☐ Please charge Deposit Account No. 13-2725.
5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. ☒ Amend the specification by inserting before the first line the sentence:  
  

"This application is a continuation of application Serial No. 10/120,890, filed April 10, 2002, which application is incorporated herein by reference."
7. ☐ A set of formal drawings ( sheets) is enclosed.
8. ☐ Priority of application Serial No., filed on, is claimed under 35 U.S.C. 119.  
☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to HON Technology Inc., located at 414 East Third Street - P.O. Box 1109 - Muscatine, Iowa 52761-7109.
10. ☒ The Power of Attorney in the prior application is to:

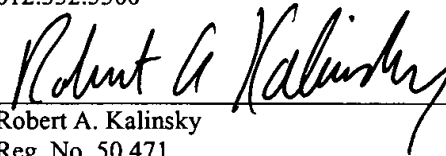
Merchant & Gould P.C.  
Minneapolis, MN 55402-2215

11. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)  
☐ Fee for excess claims is attached.
12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.

13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☐ Also Enclosed:
16. ☒ Address all future communications to the **Attention of Robert A. Kalinsky** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300



Robert A. Kalinsky  
Reg. No. 50,471  
RAK:pll

Date: October 14, 20003